

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-73-17 Diana and Gene Powell, Sr.

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: July 26, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 8, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Diana and Gene Powell, Sr.

Appeal No.: V-73-17

Subject Property: Lot 7, Meadow Woods Estates Subdivision, being 21511 Meadow Wood Lane,
Brandywine, Prince George's County, Maryland

Heard and Decided: July 26, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve variances from Section 27-442(c)(Table II), which prescribes that not more than 5% of the net lot area shall be covered by buildings and off-street parking and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioners propose to construct a driveway extension and detached garage in the front yard. A variance of .7% net lot coverage and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1979, contains 190,522.72 square feet (4.3738 acres), is zoned O-S (Open Space) and is improved with a single-family dwelling and driveway. Exhibit (Exhs.) 2, 3, 8 and 9 (A) thru (F).
2. Petitioners would like to construct a 26' x 34' driveway extension and 28' x 34' detached garage, which would be located in the front yard. A waiver of the rear yard location requirement for an accessory building was requested. Exhs. 2 and 11.
3. As construction of the driveway and garage would exceed the amount of lot coverage allowed, a variance of .7% net lot coverage was also requested. Exhs. 2 and 11.
4. Petitioner Diana Powell testified that they would like to build a detached garage on the property in the rear yard but were denied by the "Department of Health" to build in the rear yard because any building or structure must be 30 feet from the well¹. She added that the current proposed location for the detached garage was not their first choice. Exhs. 2 and 4.
5. Petitioner Gene Powell testified that in addition to the well and septic being in the rear yard, there exists a surface drainage easement as well as an electrical box further limiting the location of the garage. Exh. 2.

¹ Code of Maryland Regulations (COMAR) Section 26.04.04.04 (B)(2)(c) - ... (2) A proposed well location for a water supply or open loop geothermal well shall satisfy the following minimum horizontal distance requirements: (c) 30 feet from a building foundation.

6. Mrs. Powell stated that the driveway is 1,500 feet in length. The house sits at the very backside of the lot. Exhs. 2 and 5 (A) thru (E).

7. The site contains a Tree Conservation Plan (TCP-153-04) which restricts over half of the lot (2.34 acres), including partially in the rear area, as tree save area which further restricts suitable area in the rear for building a garage. Exh. 4.

8. Mr. Powell stated that the garage will be used for his classic cars. Exhs. 2 and 19.

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the restrictions of the Tree Conservation Area, location of the existing well, septic, electrical box, the surface drainage easement in the rear of the property further limiting the location of the proposed garage, the elongated driveway distance from Meadow Wood Lane to the dwelling and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of .7% net lot coverage and a waiver of the rear yard location requirement for an accessory building to construct a 26' x 34' driveway extension and 28' x 34' detached garage in the front yard on the property located at Lot 7, Meadow Woods Estates Subdivision, being 21511 Meadow Wood Lane, Brandywine, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 19.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.